

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Miscellaneous Case No. 2:20-mc-00052



IN RE: COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY THE COVID-19 PANDEMIC

GENERAL ORDER

This General Order is being issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in the United States. The Centers for Disease Control and Prevention issued interim guidance recommending that all employers consider how best to decrease the spread of COVID-19, including a plan to minimize exposure between employees and the public.¹ On March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization. As of the date of this Order, there have been 1,268 confirmed cases in the United States. Throughout the nation, state and local officials have taken measures to close schools and limit public gatherings in order to minimize the transmission of the disease among the general population. Although there are currently no confirmed cases of COVID-19 in West

¹ *Interim Guidance for Businesses and Employers to Plan, Prepare and Respond to Coronavirus Disease 2019*, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last visited March 13, 2020).

Virginia, there is also inadequate testing available at this time to monitor the spread of the disease, and state officials have taken precautionary measures to close public schools and limit large gatherings in the interest of protecting the public from the spread of the outbreak. Moreover, West Virginia has a relatively elderly population and high incidence of other medical conditions that can make individuals more vulnerable to the virus.

Given the severity of risk posed to the public, the above recommendations from public health authorities, and further given the fact that citizens serving on a grand jury or trial jury must work in close quarters to hear evidence and deliberate following the proceedings, it is hereby ORDERED that, effective immediately:

- (1) All civil and criminal jury trials in the Southern District of West Virginia are CONTINUED pending further order of the Court;
- (2) All grand jury proceedings in this District are CONTINUED pending further order of the Court;
- (3) With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

The courthouses in this District will remain open. Staff in the Clerk's Office will be available to receive mail, and electronic filings may still be made through the CM/ECF system.

The Court will vacate or modify this General Order no later than March 27, 2020.

SO ORDERED this 13th day of March, 2020.



THOMAS E. JOHNSTON, CHIEF JUDGE